APPENDIX.

Extract From Speech of Senator La Follette, January 9, 1907.

(Cong. Rec., Vol. 41, Pt. 1, pp. 812-3.)

"I shall not take the time of the Senate, sir, to go into this table very fully, but I will briefly run over the pages and call attention to a few of the cases reported in this table, because it seems to me they are pertinent to the consideration of the pending bill.

In one of the first or earlier cases reported in this table, I find this entry: 'Collision. Engineman asleep; hours on duty, 17; hours of rest preceding the service'—which was interrupted by this accident—'hours of rest, 2.' That is, this engineer who fell asleep upon his engine had been seventeen hours on duty, and had gone on duty—*had been called by the company to go upon his engine*—after having had only two hours to rest following the preceding service.

Another: 'Collision. Train not under control' is stated as the cause of this collision. 'The hours on duty, 42.' No statement accompanies this report by the company showing that there had been any rest accorded to those in charge of that train immediately *preceding their call* to go upon this duty.

Another: 'Collision. The engineman dozing; 17 hours on duty,' and with only six hours' rest immediately preceding his *call* to this service.

Another, resulting in the killing of one man, the cause being stated as follows: 'Signalman went back to flag; fell asleep; 20 hours on service.' No previous hours of rest reported.

Another, resulting in collision: 'Engineman asleep; twenty hours on service.' He had had twenty hours of rest immediately preceding his service; but it needs no statement of mine, sir, to remind anybody seriously considering this subject that no man is physically capable of rendering any service to which responsibility is attached when he has been twenty hours in continuous service, I care not how long a rest he had preceding that service.

Another case, resulting in collision; cause reported by the railway company: 'Flagman neglected to flag; hours on duty, nineteen.' It is not very strange, Mr. President, that he neglected to flag.

Another, resulting in collision: 'Engineman dozing; twenty hours on service.' Twenty hours on duty, following twenty-four hours of rest.

Another, resulting in collision: 'Engineman mistaking signals.' This poor fellow had twenty-seven hours on duty, after nineteen hours of rest. It would have been strange, Mr. President, if he had been capable of understanding signals with twenty-seven hours of continuous service.

Another, resulting in collision: 'Engineman going to sleep; fifteen hours on duty, with five hours of rest *immediately preceding the call for that service.*'

Mr. President, I pause for a moment to say that while this bill limits the service to sixteen consecutive hours I would be glad indeed, sir, to see adopted

a bill with a much shorter limitation. Whatever rest may be allotted to one preceding sixteen hours of continuous service it is hardly rational to expect from that man a full and complete command of all his powers; and, sir, if there be any service in which men engage where the concentration of all the faculties, where the greatest alertness of the mind, where the largest possible reserve of vitality are absolutely essential to the discharge of that service it is surely in this very important work of conducting the trains which carry the passengers of this country upon the railroads.

I cite another case from this record, following very closely upon the heels of the one last submitted, which resulted in collision in which there was loss of life and injury to persons: 'Train orders overlooked.' Twenty-two hours on service, *with three hours of rest immediately preceding the call to duty* on the part of the men engaged in running the train.

Another, where the cause is stated as follows: 'Engineman falling asleep.' Twenty hours on service, following twenty-one hours of rest.

Another, where the cause of the trouble is stated as follows: 'Train standing on siding; trainman, sleeping, fell from the engine.' Twenty-five hours on duty. Had twenty-four hours of rest *preceding that call to duty.*

Another, where the conductor went back upon the track to flag, sat down upon the end of a tie, went to sleep, and was struck; twenty hours on service, following nine hours of rest.

Another: 'Trainman sent out to flag; fell asleep on track; struck by a passing train.' Sixteen hours on duty; no hours of rest *preceding this call* to duty reported.

Another: 'Brakeman sent out to protect train; sat down on end of tie, and went to sleep; struck.' Seventeen hours on duty; no hours of rest reported.

Another: 'Brakeman out flagging; went to sleep sitting on end of tie; hand lamp hidden from view; struck by relief train.' Sixteen hours on duty; no hours of rest reported.

Another, resulting in collision, cause stated: 'Engineman using poor judgment by stopping on a curve.' Forty-three hours on duty; no rest reported *previous to this call* to service. It is not to be marveled at, Mr. President, that this man exercised what is termed by the company reporting this case as 'poor judgment.'

MR. BEVERIDGE. What road is that?

MR. LA FOLLETTE. Answering the question of the Senator from Indiana, I will say that this table, as prepared, does not, for manifest reasons, state the names of the companies. This information, under the law requiring the companies to report, is received by the Interstate Commerce Commission, and is in a measure in the nature of a confidential communication—that is, to this extent: That it is not to be used in such a way as to subject the company to litigation. If the table so prepared contained the statement of the names of the companies in this case, it might result in the violation of that statute. They are not here given. I will state, however, Mr. Presi-

dent, that I think I have a copy of the record here, which will verify each one of these statements, which I have in my possession temporarily and which I will show personally to any Senator who would care to see it.

MR. BEVERIDGE. Mr. President—

THE VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Indiana?

MR. LA FOLLETTE. Certainly.

MR. BEVERIDGE. I want to assure the Senator from Wisconsin that my inquiry from my seat was not because I had any doubt of the accuracy of these reports. The reason I asked the question in the particular example given was that I was shocked, as I am sure every Senator here was who heard it, that any road would be capable of keeping any man on duty forty-three hours without rest. I should be very glad, if it were possible, to have a road that would subject men to such inhuman treatment known to the American people.

MR. LA FOLLETTE. It is but just, Mr. President, to say, in response to the statement of the Senator from Indiana, that some cases to which I will call attention, where I think the hours of service extended over as long a period of time as in this case which excites the indignation of the Senator from Indiana, are cases where the men are responsible, apparently, from the statement given here, so far as the initiative is concerned, for such extended hours of service. I say that, Mr. President, to emphasize the point to which I adverted briefly earlier in my remarks, that we cannot always trust this matter to

the pleasure of the railway employes themselves. Some of them are so anxious to extend their runs within the month and so desirous of adding to their earnings that they will take great risks themselves and inflict upon the public very great risks in so doing.

Following the case last reported is another, resulting in collision, where the cause stated by the company is as follows: 'Engineman asleep and running by board.' I take that to mean some signal that should have arrested him; but he had been twenty hours on duty, as shown by this statement.

Another, resulting in collision, stated as follows: 'Engineman failing to have engine under control approaching protected water station.' But he had been nineteen hours on duty.

Another, resulting in collision: 'Engineman of one train asleep;' eighteen hours on duty; three hours of rest immediately preceding that *call* to duty. 'Conductor and flagman of approaching train also asleep;' thirteen hours of duty, preceded by only seven hours of rest.

Another, resulting in collision, where the cause is stated by the railway company as follows: 'Responsibility rests with engineman and conductor for running train at high speed in block entered under caution signal.' Thirty-four hours on duty; fourteen hours of rest *preceding this call* to service.

Another, resulting in collision: 'Failure of engineman to obey order' is stated by the railway company as the cause; but this man had been

twenty-four hours on duty with no rest reported *preceding this call* to service.

Another, resulting in collision: cause, as stated by company, 'Train not under control; engineman and brakeman responsible.' Nineteen hours on duty, with only eight hours of rest preceding.

Another, collision, the cause stated by the company as follows: 'Failure of engineman to comply with rules requiring all extra trains to approach side tracks under control.' Nineteen hours on duty; only ten hours of rest immediately preceding.

Another: 'Brakeman struck by bridge and knocked off tender of engine; instantly killed.' Twenty-one hours on duty.

Another: 'Brakeman sent out to flag train sat down on end of tie and fell asleep.' Twenty-three hours on duty; no rest reported.

Another: 'Failure of engineman to stop train in time to avoid rear collision.' Twenty-three hours on duty.

Another: 'Failure to protect rear end of train by flag; conductor and engineman responsible.' Thirty hours on duty; only eight hours of rest *preceding this call* to service.

Another, resulting in collision; cause stated by the company: 'Engineman running train through yard not under control.' But he had been twenty hours on duty.

Another: 'Failure of conductor to properly protect his train.' Twelve hours on duty. The con-

ductor of the other train, as stated by the company, 'failed to have engineman reduce speed.' Twenty-two hours on duty.

Another: 'Engineman going to sleep on duty and allowing train to approach a wreck at high speed.' He had been fifteen hours on duty without any previous rest since his *last preceding call*, so far as reported by the company.

Another: 'Engineman asleep; did not stop train in time.' Twenty-two hours on duty.

Another, collision: 'Both engineman and head brakeman asleep when passing switch.' Nineteen hours on duty.

Another, resulting in collision: 'Engineman on rear extra did not have train under control approaching end of double track.' Twenty-four hours on duty.

Another, resulting in collision: 'Engineman did not have his train under control approaching derail.' Twenty hours on duty.

Another, resulting in collision: 'Engineman fell asleep approaching tunnel.' Twenty hours on duty. No rest immediately *preceding his call* to duty is reported by the company.

Another, resulting in collision: 'Train not properly protected; conductor, brakeman and engineman at fault.' Twenty-two hours on duty. Seventeen hours of rest preceding.

Another, resulting in collision; cause stated by the railroad company: 'Engineman asleep; had made two straight double runs previous to this on

account of shortage of men; record good.' Forty-eight hours on duty. Only six hours of rest.

Another, collision: cause stated by the company: 'Engineman dropping to asleep after he had been flagged; was on his fourth trip and had had but two hours' rest at end of each; was not required to make so many continuous trips, but desired to earn the additional wages.' Forty-five hours of service.

It seems to me, Mr. President, that cases like that to which I have just called attention are a sufficient answer to the claim made by nearly every Senator who opposed this legislation at the last session, that this matter of the regulation of the hours of service was something that ought to be left to the parties directly interested, to wit, the railroad companies and the men; that they could settle and determine it best by contract, and that almost all the roads of the country had entered into contract which provided ample protection to the public in this respect. Even where such contracts exist they are constantly violated, not only by the companies, but also by the men. In many instances the contracts provide that the men may overrun the limit fixed in the contract when they desire to do so, or, to state it differently, the limitation is not enforced excepting as the men invoke its protection.

It is hardly necessary to add, Mr. President, that the desire on the part of the railway employe to have a good standing with those who are immediately in authority over him, *those who issue the calls for him to go on service* and who have to do

directly with his promotion, if he succeeds in securing promotion—it is hardly necessary for me to say that the desire on the part of these men to have good standing with and to secure a favorable report from those in authority who call them into service will inevitably force men, even against their will, against their better judgment, to comply with every call that is made. It would be rare, indeed, I believe, to find cases where men have refused, whatever may be the contract with the company, to go into service no matter how exhausted and wearied they may have been by previous service.

I call the attention of the Senate to another case resulting in collision. The cause as stated by the company is as follows: 'Freight train standing on track without protection; flagman in caboose asleep; conductor and flagman responsible.' Twenty-two hours on duty, with twelve hours of rest preceding.

Another, collision: the course assigned by the company: 'Conductor and engineman of extra freight train disregarded orders.' They had, however, been on duty for twenty-one hours. *Preceding this call* to duty they had a full period of rest. This only emphasizes the fact that whatever rest may be given these men prior to their call to duty the term of the hours of continuous service should be limited if they are to be protected or if the public is to be accorded any protection.

Another case reported is as follows: The cause of this injury was 'watchman sitting on ends of ties asleep; struck by train.' Twenty-one hours on duty without any previous report of hours of rest.

Another case, where the cause stated by the company is this: 'Freight brakeman sent back to flag, sat down on rail and is supposed to have gone to sleep; struck and killed.' Nineteen hours on duty.

Another, collision: 'Failure of brakeman to have his train move into track carefully, so as to be prepared to stop promptly.' Twenty hours of service; twenty hours on duty, with only three hours of rest immediately preceding this *call* to service.

Another case: 'Failure of crew to flag and of engineman to keep lookout.' Twenty-one hours of service.

Another, collision: 'Extra train passed red Hall signal; flagman asleep in caboose.' Twenty-one hours on duty.

Another case reported: 'Yard trainman lying on main track asleep; struck and run over by passenger train.' Twenty-two hours of duty; only five hours of rest immediately preceding this *call* to duty.

Another collision: 'Rear-end collision on account of engineman not keeping his train under proper control; did not handle air brake properly.' But he had been nineteen hours on service without any rest preceding this call to service.

Another, where the switch tender is reported as 'failing to close the switch.' He had been eighteen hours on duty without any rest reported *prior to this call to duty.*

Another, where the cause of the collision is stated as follows: 'Work extra on the time of extra train, which was running on schedule; conductor and

engineman responsible.' Twenty hours on duty; only six hours of rest *preceding that call to duty.*

Another resulting in injury: 'Fireman on freight train dropped off to sleep and fell, striking his head on deck of engine cab.' Twenty-two hours on duty; no rest reported.

Another: 'Brakeman sent out to flag discovered sitting on end of tie; struck and knocked off before train could be stopped.' Nineteen hours on duty; no rest reported.

Another, where the case is stated as follows: 'Freight brakeman sent back to flag fell asleep while sitting on rail; struck and killed by engine; fog prevailing.' Twenty hours of service, with only seven hours of rest preceding. Possibly if the fog had not been prevailing the engineer who struck him might have seen him and stopped his engine, unless he, too, had been on service for the same length of time or longer."

Colloquy between Senators Patterson and Spooner. (Cong. Rec. Vol. 41, pt. 1, p. 826.)

"MR. SPOONER. May I ask the Senator from Colorado a question before he takes his seat?

MR. PATTERSON. Certainly.

MR. SPOONER. Would it not improve the language of the section to say 'to remain on duty' more than sixteen hours instead of 'to remain at work'?

MR. PATTERSON. Yes.

MR. SPOONER. The Senator made a suggestion that I think has great weight, but can he find some language to overcome the difficulty he suggested?

MR. BEVERIDGE (to Mr. Patterson). Have you thought of any language?

MR. PATTERSON. I have thought of some such suggestion as the following: Instead of saying 'who have been at work for sixteen consecutive hours,' use the language 'who have been at work sixteen hours during a twenty-four-hour period.'

MR. BEVERIDGE. It is not 'at work.' It is 'remain on duty' in the bill.

MR. PATTERSON. Yes; 'remain on duty' for a certain number of hours during a fixed period.

MR. SPOONER. I had in my hand a copy of the substitute."